

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-1256-AIR-E **TCEQ ID:** RN100967777 **CASE NO.:** 34365**RESPONDENT NAME:** Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Advantage Rent-A-Car, 6535 De Havilland Drive, El Paso, El Paso County</p> <p><b>TYPE OF OPERATION:</b> Gasoline dispensing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one pending enforcement action regarding this facility location, Docket No. 2007-1899-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 3, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> C T Corporation System, Registered Agent, Southwest-Tex Leasing Co., 1021 Main Street, Suite 1150, Houston, Texas 77002 Mr. Marshall A. Fein, Corporate Secretary and General Counsel, Southwest-Tex Leasing Co., 6660 Park Ten Boulevard, #116, San Antonio Texas 78213 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 13, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 26, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>Allowed the transfer of gasoline at a motor dispensing site which had a Reid Vapor Pressure ("RVP") greater than 7.0 maximum pounds per square inch absolute ("psia") during the control period of June 1<sup>st</sup> – September 16<sup>th</sup>. Specifically, the sample taken from pump #1 had a RVP of 8.5 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$920</p> <p><b>Total Deferred:</b> \$184  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$736</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that Southwest-Tex Leasing submitted evidence of compliance with the Reid Vapor Pressure ("RVP") requirement to TCEQ on August 3, 2007.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	30-Jul-2007	Screening	6-Aug-2007	EPA Due	
	PCW	6-Aug-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car		
Reg. Ent. Ref. No.	RN100967777		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	34365	No. of Violations	1
Docket No.	2007-1256-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

## TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1  \$1,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History  2% Enhancement Subtotals 2, 3, & 7  \$20Notes  An enhancement is recommended based on the issuance of one dissimilar NOV.Culpability  No  0% EnhancementSubtotal 4  \$0Notes  The Respondent does not meet the culpability criteria.Good Faith Effort to Comply  10% ReductionSubtotal 5  \$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/> X
N/A	(mark with x)

Notes  The Respondent provided proof of compliance on August 3, 2007.

0% Enhancement\*

Subtotal 6  \$0Total EB Amounts  \$211  
Approx. Cost of Compliance  \$200  
\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal  \$920OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment  \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Final Penalty Amount  \$920

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty  \$920

## DEFERRAL

 20%

Reduction

Adjustment  -\$184

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes 

Deferral offered for expedited settlement.

## PAYABLE PENALTY

 \$736

Screening Date 6-Aug-2007

Docket No. 2007-1256-AIR-E

PCW

Respondent Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-

Policy Revision 2 (September 2002)

Case ID No. 34365

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100967777

Media [Statute] Air

Enf. Coordinator Harvey Wilson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
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NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

An enhancement is recommended based on the issuance of one dissimilar NOV.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 2%

<b>Screening Date</b> 6-Aug-2007		<b>Docket No.</b> 2007-1256-AIR-E		<b>PCW</b>	
<b>Respondent</b> Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car				<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34365				<i>PCW Revision June 26, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN100967777					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Harvey Wilson					
<b>Violation Number</b>		<input type="text" value="1"/>			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Southwest-Tex Leasing allowed the transfer of gasoline at a motor dispensing site which had a Reid Vapor Pressure (RVP) greater than 7.0 maximum pounds per square inch absolute (psia) during the control period of June 1st - September 16th. Specifically, the sample taken from pump #1 had a RVP of 8.5 psia.			
<b>Base Penalty</b>					<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="10%"/>

  
**>> Programmatic Matrix**

<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>
<input type="text" value="0%"/>				

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

**Adjustment**

**Violation Events**

Number of Violation Events	<input type="text" value="1"/>		Number of violation days	<input type="text" value="50"/>
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<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

One single event is recommended.

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$211"/>	Violation Final Penalty Total <input type="text" value="\$920"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$920"/>	

**Economic Benefit Worksheet**

Respondent Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car

Case ID No. 34365

Reg. Ent. Reference No. RN100967777

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	13-Jun-2007	3-Aug-2007	1.1	\$11	\$200	\$211

Notes for AVOIDED costs

The estimated avoided cost based on the price difference between compliant and noncompliant gasoline. Date Required is the date noncompliance was documented. Final Date is the date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$211

# Compliance History

Customer/Respondent/Owner-Operator: CN601255326 Southwest-Tex Leasing Co., Inc. Classification: AVERAGE Rating: 3.30  
 Regulated Entity: RN100967777 ADVANTAGE RENT-A-CAR Classification: AVERAGE Site Rating: 7.50  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 64036  
 Location: 6535 DE HAVILLAND DR, EL PASO, TX, 79925 Rating Date: 9/1/06 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: August 13, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: August 13, 2002 to August 13, 2007  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Harvey Wilson Phone: 239-0321

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 08/25/2006 | (457864) |
| 2 | 07/26/2007 | (566162) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |                          |
|--------------|---|--------------------------|
| Date:        | 08/25/2006  | (457864)                 |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.246(1)   |                          |
| Description: | Failure to maintain a copy of the correct CARB Order (G-70-17-AD) for the Stage II system at the facility.  |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.242(9)[G]  |                          |
| Description: | Failure to post operating instructions on the dispenser.  |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(C)   |                          |
| Description: | Failure to permanently label UST according to the Registration Form.  |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(ii)   |                          |
| Description: | Failure to make available, upon request, a valid TCEQ Delivery Certificate for the UST at the facility.   |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 334, SubChapter A 334.10(b)[G]   |                          |
| Description: | Failure to provide the following records at the time of the investigation: 1) certificate of financial assurance, 2) annual line leak detector performance test results, and 3) annual product line tightness test results. |                          |

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING SOUTHWEST-TEX  
LEASING CO., INC. DBA  
ADVANTAGE RENT-A-CAR  
RN100967777

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BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1256-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car ("Southwest-Tex Leasing") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Southwest-Tex Leasing appear before the Commission and together stipulate that:

1. Southwest-Tex Leasing operates a gasoline dispensing station at 6535 De Havilland Drive in El Paso, El Paso County, Texas (the "Station").
2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Southwest-Tex Leasing agree that the Commission has jurisdiction to enter this Agreed Order, and that Southwest-Tex Leasing is subject to the Commission's jurisdiction.
4. Southwest-Tex Leasing received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Southwest-Tex Leasing of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Hundred Twenty Dollars (\$920) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Southwest-



Tex Leasing has paid Seven Hundred Thirty-Six Dollars (\$736) of the administrative penalty and One Hundred Eighty-Four Dollars (\$184) is deferred contingent upon Southwest-Tex Leasing's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Southwest-Tex Leasing fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Southwest-Tex Leasing to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Southwest-Tex Leasing have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Southwest-Tex Leasing submitted evidence of compliance with the Reid Vapor Pressure ("RVP") requirement to TCEQ on August 3, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Southwest-Tex Leasing has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As operator of the Station, Southwest-Tex Leasing is alleged to have allowed the transfer of gasoline at a motor dispensing site which had a RVP greater than 7.0 maximum pounds per square inch absolute ("psia") during the control period of June 1<sup>st</sup> – September 16th, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 13, 2007. Specifically, the sample taken from pump #1 had a RVP of 8.5 psia.

## **III. DENIALS**

Southwest-Tex Leasing generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Southwest-Tex Leasing pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Southwest-Tex Leasing's compliance with all the terms and conditions set forth in this Agreed

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Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car, Docket No. 2007-1256-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

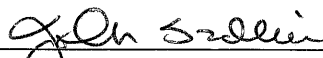
2. The provisions of this Agreed Order shall apply to and be binding upon Southwest-Tex Leasing. Southwest-Tex Leasing is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Southwest-Tex Leasing in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Southwest-Tex Leasing, or three days after the date on which the Commission mails notice of the Order to Southwest-Tex Leasing, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

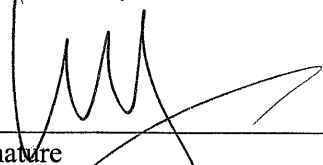
12/7/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

October 1, 2007  
Date

MARSHALL A. FEIN  
Name (Printed or typed)  
Authorized Representative of  
Southwest-Tex Leasing Co., Inc. dba  
Advantage Rent-A-Car

Corporate Secretary & General Counsel  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

